

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JOHN EZELL et al)	
)	Group Art Unit: 2163
Serial No.:	10/696,914)	
)	Examiner:
Filed:	October 29, 2003)	Darno
)	
For:	SYSTEM AND METHOD FOR)	
	SYNCHRONIZING DATA IN A NETWORKED)	
	SYSTEM)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed August 22, 2007 and in conjunction with the concurrently filed Notice of Appeal, Applicants request a pre-Appeal conference in view of the following remarks.

REMARKS

In response to the Office Action dated August 22, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Embodiments relate to synchronizing data sets between first and second computer servers. The data sets include an identifier and a set of attributes as shown, for example, in Applicants' Figure 2. In order to identify data sets that are modified, and the need for synchronization, when an attribute of a data set is modified a checksum associated with that data set is set to a predetermined value (e.g., zero) as described in paragraph [0024]. The next step involves accessing data sets having the predetermined checksum and formatting an attribute for that data set to a predetermined format type (paragraph [0025]) which is shown in Figure 2 as an intermediate format type. To synchronize first data sets and second data sets, the checksums are compared. If the checksums do not match, the data sets from the first computer server are transmitted to the second computer server to replace the second data sets.

Claims 1-4, 6-10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Beeler. This rejection is traversed for the following reasons.

Claim 1 as amended recites, *inter alia*, "modifying an attribute of one of the first plurality of data sets and setting a checksum associated with one of the first plurality of data sets to a predetermined value; accessing one of the first plurality of data sets having a checksum set to the predetermined value and formatting at least one attribute associated with the one of the first plurality of data sets to a predetermined format type."

Embodiments of the invention detect when an attribute is modified and identify that data element by setting a checksum to a predetermined value such as zero (see paragraph [0024]). The data sets having the checksum of zero are then converted to predetermined format types (paragraph [0025]). Beeler fails to teach these features.

Beeler teaches a fast-mirroring process between a source server and a target server. The fast-mirroring process breaks files into blocks and computes a checksum for each block. The checksums are used to determine if the files on the source server match the target server (see Figures 26 and 27, column 15, line 46 – column 16, line 7). There

is no teaching in Beeler of “modifying an attribute of one of the first plurality of data sets **and setting a checksum associated with one of the first plurality of data sets to a predetermined value**; accessing one of the first plurality of data sets having a checksum set to the predetermined value and formatting at least attribute associated with the one of the first plurality of data sets to a predetermined format type” as recited in claim 1. There is no setting a checksum to a predetermined value in Beeler. Beeler computes checksums for blocks of data to determine if they are equal and need synchronizing. There is no teaching in Beeler of setting a checksum to a predetermined value when an attribute of a data set is modified as recited in claim 1. The checksums in Beeler are computed for the blocks of data and there is no predetermined value used each time a block of data is changed. In the Examiner’s response to Applicants’ remarks, the Examiner suggests that Beeler does teach a predetermined checksum when data sets are modified, but cites to column 15, lines 53-56 which only discusses computing a checksum for a block of data. Again, there is no teaching in Beeler of using a predetermined value for a checksum when a data set is modified.

For at least the above reasons, claim 1 is patentable over Beeler. Claims 2-4 and 6 variously depend from claim 1 and are patentable over Beeler for at least the reasons advanced with reference to claim 1.

Independent claim 7 recites features similar to those discussed above with reference to claim 1 and is patentable over Beeler for at least the reasons advanced with reference to claim 1. Claims 8-10 and 12 depend from claim 7 and are considered patentable for at least the same reasons.

Claims 5 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Beeler in view of Ellard. This rejection is traversed for the following reasons. Ellard was relied upon for disclosing converting data from a first format to a second format, but fails to cure the deficiencies of Beeler discussed above with reference to claim 1. Ellard only teaches a data exchange that converts two types of data. Ellard is not directed to synchronizing first and second servers and does not teach use of checksums as discussed above with reference to claim 1. Claim 5 depends from claim 1 and is patentable over Beeler in view of Ellard for at least the reasons advance with reference to claim 1. Claim 11

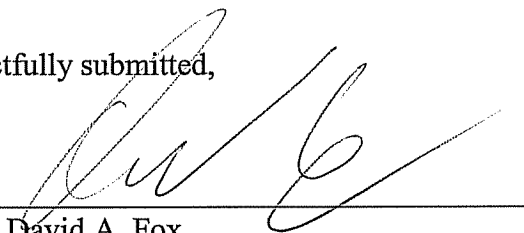
depends from claim 7 and is patentable over Beeler in view of Ellard for at least the reasons advance with reference to claim 7.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: _____


David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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